

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SHELLY A. FULKERSON,)
)
Plaintiff,)
)
v.) **Case No. CIV-16-968-CG**
)
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security,)
)
Defendant.)

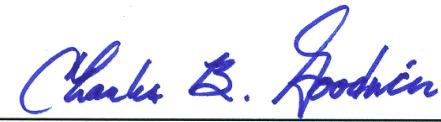
ORDER

On March 26, 2018, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further proceedings. *See* Doc. Nos. 20, 21. Plaintiff Shelly A. Fulkerson now requests an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. *See* Pl.'s Stipulated Mot. Att'y Fees (Doc. No. 22). The parties have stipulated to a request of \$4800.00 in EAJA fees in this matter. *See id.* at 2.

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Having considered the Motion and the relevant record, the Court GRANTS Plaintiff's request (Doc. No. 22) and awards fees in the amount of \$4800.00, with said amount to be paid directly to Plaintiff and sent in care of Kyle J. Saunders, P.O. Box 1605, Ada, Oklahoma, 74820. If attorney's fees are also awarded

under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 8th day of June, 2018.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE